

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. Prior to March the petitioner's shelter costs for Food Stamps had been calculated using her rent and a standard

utility allowance of \$473 because the petitioner paid her own heating costs. The lower standard utility allowance for a heat-included rental resulted in a reduction in her Food Stamps from \$152 to \$104 per month effective April 1, 2006.

4. At a hearing in this matter held on April 24, 2006 the petitioner did not disagree with any of the Department's determinations regarding her present income and expenses. The petitioner also conceded that the standard utility allowance of \$173 is well in excess of her actual utility costs now that her heat is included in her rent.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp regulations limit deductions from income to those specifically itemized in the regulations. All households under five persons receive a "standard deduction" of \$134. Food Stamp Manual (F.S.M.) § 273.9(d). The petitioner does not qualify for other deductions allowed for dependent care and excess medical expenses. Id.

Under Section (6) of the above regulation, Vermont allows households a standard deduction for utility expenses depending whether or not heat is included in their rents. As

noted above, the standard utility allowance applicable to the petitioner's housing situation is \$173 a month. See P-2590A.

Households are entitled to a "shelter deduction" in the amount by which their total shelter costs exceed one half of their net income. In the petitioner's case, her rent (\$450) and her utility costs (\$173) total \$623 a month. Her net income, after the standard deduction from her gross income (\$655 minus \$134), is \$521--half of which is \$260. Her shelter costs exceed half her rent by \$362 (\$623 minus \$260), which is the amount of her allowable shelter deduction. Subtracting this amount from her net income (\$521) results in countable Food Stamp income of \$159. The amount of Food Stamps payable to households with this income is \$104 a month. See P-2590D.

Inasmuch as the petitioner does not dispute that Department's decision in this matter accurately reflected her income and expenses in March 2006, and could not show that the amount of her Food Stamps was not determined in accord with the applicable regulations, the Board is bound by law to affirm the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

#